



Docket No. 6090-A

Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Greg M. Atkins

Serial No.: 09/872,655

Filed: June 1, 2001

For: **STRINGED INSTRUMENT
STRUMMING/PICKING
APPARATUS AND METHOD**

Examiner: Kimberly R. Lockett

Group Art Unit: 2837

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INTERVIEW SUMMARY UNDER 37 CFR §1.133

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please enter the following INTERVIEW SUMMARY of record
according to 37 CFR §1.133(b), MPEP §713.04.

PARTICIPANTS

1. Examiner Kimberly R. Lockett
2. Applicant's Representative: Timothy W. Fitzwilliam Reg. No. 46,439.

DATE AND TYPE OF INTERVIEW: 16 April 2003, Telephonic

CLAIMS DISCUSSED: 1.

IDENTIFICATION OF THE PRIOR ART DISCUSSED: Newman, US No. 5,837,913.

AN AGREEMENT WITH RESPECT TO THE CLAIMS WAS NOT REACHED.

SUBSTANTIVE SUMMARY

The focus of the interview was on independent Claim 1. First, the present invention recites a pick for a musical instrument comprising "a thumb sleeve." Applicant's representative argued that Newman discloses a finger sleeve, and that the sleeve disclosed must be used on a finger that opposes the thumb. Also, applicant's representative argued that there is no teaching or suggestion, in light of Newman that one should employ a thumb sleeve. The Examiner maintained the 35 U.S.C. §102(b) rejection by stating that the finger sleeve could "clearly" be used on the thumb.

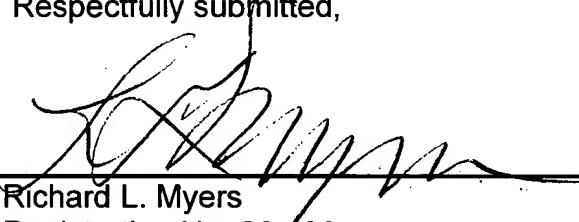
Next, the limitation of Claim 1 where "attachment means, . . for releasably attaching the pick to the sleeve," was discussed. Applicant's representative argued that releasable attachment means is not disclosed, suggested or taught by Newman. Examiner responded by referring to Newman, Fig. 3 and Fig. 4, where the sleeve was illustrated with and without the pick, respectively. Examiner further stated that the pick is "clearly" releasable, given the two illustrations. Applicant's representative responded by stating that in the specification of Newman, it states that Fig. 4, is a "partially assembled,"

apparatus, and no mention, or suggestion anywhere in the specification supports that idea of a detachable pick. Applicant's representative, questioned why the disclosure supports a rejection based on 35 U.S.C §102(b). Examiner was unpersuaded by the argument.

The Examiner concluded by stating she would not withdraw any rejections.

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May 14, 2003	Alexandria, VA 22313-1450
Carolen Merkley	
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Respectfully submitted,


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